



JAN 24 2003

Fax

☐ Urgent

☐ Return reply
requested

☐ Original will be sent as
confirmation

To: U.S. Patent and Trademark Office

Date: January 24, 2003

Attention: Ms. Karen Creasy

Re:

U.S. Utility Patent Appl. No. 09/900,635

Filed: July 6, 2001

From: Virgil L. Beaston, Esquire *08B*

For: Automatic Turbogenerator
Restarting System

Inventors: Gilbreth *et al.*

Pages (including cover sheet): 15

Your Reference:

Fax No: (703) 308-6916

Our Reference: 2066.0240001

Message

Dear Karen:

Per our conversation, please withdraw this application from issue so that the RCE and IDS may be considered.

If any portion of this transmission is not received clearly or in full,
contact us at 202.371.2600 or f 202.371.2540.

This message is intended for the exclusive use of the individual or entity to which it is addressed. The message may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this communication in any way is strictly prohibited. If you have received this communication in error, please call us collect immediately, and return the original message to us at the above address via the U.S. Postal Service.

Sterne, Kessler, Goldstein & Fox P.L.L.C. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.skgt.com

#14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gilbreth *et al.*

Appl. No. 09/900,635

Filed: July 6, 2001

For: Automatic Turbogenerator
Restarting System (*as amended*)

Confirmation No.: 8387

Art Unit: 2834

Examiner: Ponomarenko, N.

Attr. Docket: 2066.0240001

(Capstone Ref. No. 0381)

**Petition To Withdraw from Issue under 37 C.F.R. § 1.313(c)(2)
For Consideration of a Request for Continued Examination**

Commissioner for Patents
Washington, D.C. 20231

JAN 24 2003

Sir:


It is hereby petitioned under 37 C.F.R. § 1.313(c)(2) that the above-captioned application be withdrawn from issue for consideration of the accompanying request for continued examination in compliance with 37 C.F.R. § 1.114.

It is believed that no extensions of time are necessary, other than those that are otherwise provided for herewith. However, if extensions of time under 37 C.F.R. § 1.136 other than those provided herewith are required to prevent abandonment of the above-captioned application, then such extensions of time are hereby petitioned.

This petition is accompanied by the required fee (37 C.F.R. § 1.17(h)). The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Virgil L. Beaton
Attorney for Applicants
Registration No. 47,415

Date 12/24/02

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

\\ODM\HODMA\SKGF_DCI\87284\1
SKGF Rev. 12/18/02



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20531
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,635	01/28/2003	6512306	2066.0240001	8387

28393 7590 01/09/2003

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, NW
SUITE 600
WASHINGTON, DC 20005-3934

JAN 22 2003

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The patent term adjustment is 0 day(s), and will be printed on the front page of the patent.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (<http://pair.uspto.gov>)

APPLICANT(S):

Mark G. Gilbreth, Woodland Hills, CA;
Simon R. Wall, Thousand Oaks, CA;
Ake N.C. Almgren, Calabasas, CA;
Joel B. Wacknov, Thousand Oaks, CA;

JAN 24 2003

JAN 24 2001

Due Date:

Applicant: Gilbreth *et al.*

Art Unit: 2834

Examiner: Ponomarenko, N.

Application No.: 09/900,635

Docket: 2066.0240001
(Capstone Ref. No. 0381)

Filed: July 6, 2001

Atty: EJK/VLB

For: Automatic Turbogenerator Restarting System (*as amended*)

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

1. SKGF Cover Letter;
2. PTO Fee Transmittal (Form PTO/17/SB);
3. Form PTO-2038 Credit Card Payment Form;
4. Petition To Withdraw from Issue Under 37 C.F.R. § 1.313(c)(2) For Consideration Of A Request For Continued Examination;
5. Request for Continued Examination;
6. Information Disclosure Statement;
7. Form PTO-1449 accompanied by and listing three documents; and
8. One return postcard.



Please Date Stamp And Return To Our Courier



Robert Greene Sterne
Edward J. Kessler
Jorge A. Goldstein
David K.S. Connell
Robert W. Emmond
Tracy-Gene G. Durkin
Michael A. Cimbal
Michael B. Ray
Robert E. Soloch
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Conert
Linda E. Alcorn
Robert C. Milbank
Lawrence B. Bugalsky
Donald J. Featherstone
Michael V. Messinger

Judith U. Kim
Timothy J. Shea, Jr.
Patrick E. Gerratt
Jeffrey T. Helms
Held L. Kraus
Edward W. Yee
Albert L. Pesto
Donald R. Banowitz
Peter A. Jackson
Molly A. McGill
Teresa U. Mueller
Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capozzino
Albert J. Festo II
Eldora Ellison Floyd
Thomas C. Hale
Brian J. Del Buono

Vinyl Lee Gossion
Kimberly M. Reddick
Theodore A. Wood
Elizabeth J. Hoanas
Bruce E. Chalkar
Joseph S. Ostroff
Frank R. Cottingham
Christine M. Lindner
Rae Lynn Prensaman
Jane Shershenovich
Lawrence J. Carroll
George S. Budinester
Daniel A. Mehl
Rodney G. Maza
Jason D. Eisenberg
Michael A. Specht
Andrea J. Kamuge
Tracy L. Muller

Jan E. Wright
Lorraine M. Yurkew

Registered Patent Agents
Karen R. Markowitz
Nancy J. Leish
Ann E. Summerfield
Helene C. Carlson
Gabby L. Longworth
Matthew J. David
Aaron L. Schwartz
Angelique G. Uy
Boris A. Matvenko
Mary B. Tang
Karlina Y. Pei
Bryan L. Stetson
Robert A. Schwertzen
John A. Figueroa

Timothy A. Doyle
Jennifer R. Mahalingappa
Teresa A. Colella
Jeffrey S. Lundgren
Victoria S. Rutherford
W. Brian Edge

Senior Counsel
Samuel L. Fox
Kenneth C. Bass III
Lisa A. Dunner

*Admitted only in Maryland
*Admitted only in Virginia
*Admitted only in Texas
*Practice limited to
Federal Agencies

December 24, 2002

WRITER'S DIRECT NUMBER:
(202) 312-7271
INTERNET ADDRESS:
vbeaton@skgf.com

Commissioner for Patents
Washington, D.C. 20231

JAN 24 2003

Box RCE

Re: U.S. Utility Patent Application
Appl. No. 09/900,635; Filed: July 6, 2001
For: Automatic Turbogenerator Restarting System (as amended)
Inventors: Gilbreth *et al.*
Our Reference: 2066.0240001 (Capstone Ref. No. 0381)

Sir:

Transmitted herewith for appropriate action are the following documents:

1. PTO Fee Transmittal (Form PTO/17/SB);
2. Form PTO-2038 Credit Card Payment Form;
3. Petition To Withdraw from Issue Under 37 C.F.R. § 1.313(c)(2) For Consideration Of A Request For Continued Examination;
4. Request for Continued Examination;
5. Information Disclosure Statement;
6. Form PTO-1449 accompanied by and listing three documents; and
7. One return postcard.

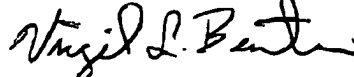
Commissioner for Patents
December 24, 2002
Page 2

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Virgil L. Beaton
Attorney for Applicants
Registration No. 47,415

Enclosures

VLB/tjc
::ODMA\HODMA\SKGF_DC1:87280;1
SKGF Rev. 11/01/01 mac

FEE TRANSMITTAL
for FY 2003

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 500.00**Complete if Known**

Application Number	00/000,000
Filing Date	July 6, 2001
First Named Inventor	Mark Q. Glibreth
Examiner Name	Ponomarenko, N.
Group Art Unit	2634
Attorney Docket No.	2066.0240001 (Capstone 0381)

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit card ☐ Money Order ☒ Other ☐ None☐ Deposit Account

Deposit Account Number 19-0036

Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any over payments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

- Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1061	130	2061	65	Surcharge - late filing fee or oath	
1502	50	2062	25	Surcharge-late provisional filing fee or cover sheet	
1063	130	1063	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1806	1,840*	1806	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	400	2252	200	Extension for reply within second month	
1253	920	2253	460	Extension for reply within third month	
1254	1,440	2254	720	Extension for reply within fourth month	
1255	1,960	2255	980	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,250	2453	640	Petition to revive - unintentional	
1501	1,280	2501	640	Utility issue fee (or reissue)	
1502	480	2502	230	Design issue fee	
1503	620	2603	310	Plant issue fee	
1480	130	1480	130	Petitions to the Commissioner	\$130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	740	2809	370	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	740	2810	370	For each additional invention to be examined (37 CFR 1.129(b))	
1801	740	2801	370	Request for Continued Examination (RCE)	\$370.00
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 500.00

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	740	2001	370	Utility filing fee	
1002	530	2002	165	Design filing fee	
1003	510	2003	255	Plant filing fee	
1004	740	2004	370	Reissue filing fee	
1105	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) _____

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
_____ - 20** = _____	_____ x _____	_____	_____
Independent Claims _____ - 3** = _____	_____ x _____	_____	_____
Multiple Dependent _____	_____ x _____	_____	_____

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) _____

** or number previously paid, if greater; For Reissue, see above

SUBMITTED BY

Name (Print/Type)

Virgil L. Beason

Registration No. (Attorney/Agent)

47,415

Complete (if applicable)

Telephone 202-371-2600

Signature

Date

12/24/02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-796-9199) and select option 2.

::ODMAWHODMA\SKGF_DC1:87285:1

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/900,635
Filing Date	July 6, 2001
First Named Inventor	Mark G. Gilbreth
Group Art Unit	2834
Examiner Name	Ponomarenko, N.
Attorney Docket Number	2066.0240001
	(Capstone Ref. 0381)

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.63 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14886 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- ☐ Previously submitted
 - ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ☐ Other _____
- ☒ Enclosed
 - ☐ Amendment/Reply
 - ☐ Affidavit(s)/Declaration(s)
 - ☒ Information Disclosure Statement (IDS) accompanied by three documents
 - ☐ Other _____

2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
 - ☐ Other _____
- ## 3. Fees
- The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
- ☐ The Director is hereby authorized to charge any deficiencies, or credit any overpayments, for the following to Deposit Account No. 19-0036
 - ☐ RCE fee required under 37 C.F.R. § 1.17(e)
 - ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - ☐ Other _____
 - ☐ Check in the amount of \$ _____ enclosed
 - ☒ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	VIRGIL L. BEASTON STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.	Registration No. (Attorney/Agent)	47,415
Signature	<i>Virgil L. Beaston</i>	Date	12/24/02

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	
Signature	
Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.**

++ODMA\HODMA\SKGP_DC1;87287;1

SKGP Rev. 10/20/00 mac

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2001

Application or Docket Number

09/900635

CLAIMS AS FILED - PART I

TOTAL CLAIMS	(Column 1)	(Column 2)
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	minus 20 = *	
INDEPENDENT CLAIMS	minus 3 = *	
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

AMENDMENT A	(Column 1)	(Column 2)	(Column 3)
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total *	Minus **	=
	Independent *	Minus ***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

AMENDMENT B	(Column 1)	(Column 2)	(Column 3)
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total *	Minus **	=
	Independent *	Minus ***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

AMENDMENT C	(Column 1)	(Column 2)	(Column 3)
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total *	Minus **	=
	Independent *	Minus ***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	370.00
X\$ 9=	
X42=	
+140=	
TOTAL	

RATE	FEE
BASIC FEE	740.00
X\$18=	
X84=	
+280=	
TOTAL	

SMALL ENTITY

OR OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X84=	
+280=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X84=	
+280=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X84=	
+280=	
TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.